

The Watershed Protection Act

The Watershed Protection Act (WsPA) regulates land use and activities within critical areas of the Quabbin Reservoir, Ware River and Wachusett Reservoir watersheds in order to protect the quality of these drinking water sources. Administered by the Metropolitan District Commission Division of Watershed Management (MDC/DWM), WsPA applies only in towns in these three watersheds. **See the back of this brochure for names of towns affected by the Watershed Protection Act.**

Protected Zones and Restrictions

Two distinct areas are protected under the WsPA.



Any alteration is prohibited within the *Primary Protection Zone*, which is the area 400 feet from the edge of the reservoirs and 200 feet from tributaries and surface waters. "Alteration"

includes activities such as construction, excavation, grading, paving, and dumping. The generation, storage, disposal or discharge of pollutants is also prohibited in the Primary Protection Zone.

The *Secondary Protection Zone* is the area between 200 and 400 feet from the banks of tributaries and surface waters, on land within flood plains, over some aquifers, and within bordering vegetated wetlands. Certain activities are specifically prohibited in the Secondary Protection Zone, including the storage, disposal or use of toxic, hazardous, and certain other materials; alteration of bordering vegetated wetlands; and dense development. See 350 CMR 11.04 for a complete list of activities prohibited by the Watershed Protection Act.

Landscaping and the Watershed Protection Act

Many home landscaping activities fall under the definition of "alteration" for the WsPA. Clearing of existing vegetation; stump removal; excavation; filling; grading or other changing of topography; installation of irrigation systems; creation of pathways, patios, and retaining walls; grass seeding; and associated plantings would all be prohibited by the Act in the Primary Protection Zone, except that the regulations also provide *exemptions*.

These exemptions, stated in 350 CMR 11.05 (1-3), allow property owners to landscape their homes. If a landscaping project meets the parameters described under the three exemptions that follow, then it is not necessary to contact the MDC. However, any landscaping more extensive than that detailed in this brochure may require a WsPA variance. ***Proponents of a project that entails extensive landscaping in the WsPA Primary Protection Zone are encouraged to discuss their plans with MDC/DWM.*** The Division can then determine the extent that the proposed work meets these exemption requirements, considering all factors that may affect water quality.

Landscaping, as described above, is not prohibited within the Secondary Protection Zone. This pamphlet focuses solely on work in the Primary Protection Zone.



Exemption 11.05(1): Uses, Structures or Facilities in Existence

This exemption covers the maintenance of landscaping elements associated with uses, structures, or facilities that existed as of July 1, 1992. Limited expansions may be allowed as part of the pre-existing residential use of the property. The following activities, if taking place in already disturbed areas greater than 50 feet from the stream, pond or lake are exempt:

- replacing a lawn
- planting bushes
- planting trees
- installation of fences
- installation of decorative walls
- planting gardens
- limited re-grading
- establishing ground cover
- installation of paths
- installation of pools (with limited re-grading)

A modest expansion of landscaping beyond the already disturbed area of the lot may be allowed under this exemption, but not within 50 feet of the resource. Any increases in impervious areas may require a variance.

Exemption 11.05(2): Reconstruction, Extension or Structural Change

This exemption allows a property owner to make repairs or alterations on "structures," including fences, pathways, pools, and retaining walls. Substantial change or enlargement is not permitted.

Exemption 11.05(3): Lot in Existence

This exemption is for the construction of one single-family dwelling on an existing lot (as of July 1, 1992). Landscaping necessary for driveway and parking areas, wells, septic systems, lawns, and gardens are all components of a new home that would be exempt.

The exemption stipulates, however, that "wherever possible" there shall be no Alterations within the Primary Protection Zone. Given the constraints of a particular lot, all or part of the construction may have to occur within this zone. If landscaping is required in the Primary Protection Zone, the activities are exempt *only to the extent necessary to reasonably support the dwelling*. Construction activities usually disturb an area approximately 30 feet out from the foundation. An expansion up to 50 feet from the foundation, or slightly greater distance in order to accommodate a septic system leaching field, would be considered reasonable, provided such landscaping did not encroach to within 50 feet of the Bank of a Tributary or Surface Water.

Landscaping and Water Conservation

Water consumption increases every summer as people tend to their lawns and gardens. Excess fertilizer, pesticides and herbicides can pollute drinking water wells and reservoirs alike. MDC/DWM encourages every homeowner to manage their landscaping activities to protect the quality of both the local water supplies and the Quabbin and Wachusett reservoirs.

The Massachusetts Executive Office of Environmental Affairs has the following recommendations for water efficient landscaping:

- Minimize lawn size
- Choose native and drought tolerant species
- Water only when necessary
- Install rain shut-off devices on automatic irrigation systems and set systems to water infrequently
- Mow lawns at the highest recommended height



The following agencies and organizations maintain websites that have additional information on water-efficient landscaping techniques:

- American Water Works Association WaterWiser Program: www.waterwiser.org
- MA Dept. of Environmental Protection Consumer Publications: www.state.ma.us/dep/consumer
- MA Horticultural Society: www.masshort.org
- National Wildlife Federation Backyard Wildlife Habitat Program: www.nwf.org/backyardwildlifehabitat/
- NE Wildflower Society: www.newfs.org
- The Ecological Landscaping Association: www.ela-ecolandscapingassn.org
- UMass Cooperative Extension Services Soil Testing Lab: www.umass.edu/plsoils/soiltest

Regarding property in one of these Quabbin Reservoir and Ware River watershed communities –



Write or call: Metropolitan District Commission
Quabbin Reservoir Field Office
P.O. Box 628
Belchertown, MA 01007
ATTN: Jeff Lacy
(413) 323-6921, x501

Regarding property in one of these Wachusett Reservoir watershed communities –



Write or call: Metropolitan District Commission
Wachusett Reservoir Field Office
P.O. Box 206
Clinton, MA 01510
ATTN: Nancy McGrath or
Tristan Lundgren
(508) 792-7423, x314 or 319

Information on the Watershed Protection Act is also available from the MDC website at www.state.ma.us/mdc/wspa.html

Landscaping and The Massachusetts Watershed Protection Act



How landscaping activities can meet the Watershed Protection Act regulations for land in Quabbin Reservoir, Ware River and Wachusett Reservoir Watersheds



Commonwealth of Massachusetts
Metropolitan District Commission
Jane Swift, Governor
Bob Durand, Secretary, EOE
David B. Balfour, Jr., MDC Commissioner